DOCUMENT RESUME

ED 195 205 HE 013 312

| | |
|---|---|
| TITLE | Guidelines for Implementation of Revised Regulations Concerning State Student Financial Assistance. |
| INSTITUTION | New York State Education Dept., Albany. Office of Higher and Professional Education. |
| PUB DATE | Oct 80 |
| NOTE | 26p. |
| AVAILABLE FROM | The University of the State of New York, The State Education Department, Office of Higher and Professional Education, Albany, NY 12230 |
| EDRS PRICE | MF01/PC02 Plus Postage. |
| DESCRIPTORS | *Academic Standards: Administrator Guides: *College Students: *Compliance (Legal): *Eligibility: Full Time Students: Government School Relationship: Higher Education: Religious Education: *State Aid: State Standards: *Student Financial Aid: Theological Education: Undergraduate Study |
| IDENTIFIERS | *New York |

ABSTRACT

The most important provisions of new student financial aid regulations in New York State are described. Revisions to Part 145 of the Regulations of the Commissioner of Education concern program pursuit and academic progress, definition of full-time study, duplicative awards, theological study, and five-year programs. The change with the broadest impact on student aid recipients and institutions is the addition of a new section 145-2.2 concerning program pursuit and academic progress. The new regulation requires that institutions develop, and receive the Commissioner's approval for, standards of satisfactory academic progress. The following procedures for developing and seeking approval for standards for program pursuit and academic progress are covered: statutory provisions, periodic review, loss and reinstatement of student eligibility, program pursuit and passing or failing grades, approval of progress standards, failure to make progress, transfer student eligibility, minimum standards, waiver procedures, and continuing students. These standards will be used to determine whether students are making satisfactory academic progress (and therefore should receive state student financial assistance). The standards are not intended for general institutional use, but only to determine student eligibility for state awards. In addition to the guidelines concerning the development of proposed standards, the text of the regulations is included. (SW)

**********
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
**********

ED195205

HE

# GUIDELINES FOR IMPLEMENTATION OF REVISED REGULATIONS CONCERNING STATE STUDENT FINANCIAL ASSISTANCE

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

N.Y State Ed Dept

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office of Higher and Professional Education
Albany, New York 12230
October 1980

HE 013 312

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
ALBANY, NEW YORK 12230

DEPUTY COMMISSIONER FOR
HIGHER AND PROFESSIONAL EDUCATION

No. 80-20 October 10, 1980

MEMORANDUM TO CHIEF EXECUTIVE OFFICERS
OF POSTSECONDARY INSTITUTIONS IN NEW YORK STATE

Subject: Implementation of Revised Regulations of the Commissioner of Education related to student financial assistance

On April 24, 1980, the Regents approved several amendments to the Regulations of the Commissioner of Education concerning postsecondary education. The text of the new regulations was distributed with Chief Executive Officer memorandum No. 80-13, dated May 7, 1980. At that time I indicated that I would be writing separate memoranda on various aspects of the regulations. This memorandum deals with revisions to Part 145 of the Regulations governing State student financial assistance.

Most of the revised regulations concerning State student financial assistance became effective September 2, 1980. One important section of the regulations, Section 145-2.2, dealing with Program Pursuit and Academic Progress, is effective September 1, 1981. A delayed effective date was chosen for this section so that institutions would have time to develop the required standards of satisfactory academic progress and inform students of the new requirements.

The attached paper has been prepared to describe some of the most important provisions in the new financial aid regulations. Additionally, staff from the State Education Department and other State agencies will be participating in meetings to discuss, and answer questions about, the revised regulations. Of course, you are invited to write or call the Department at any time to seek clarification or assistance concerning the regulations. Your letters should be directed to Dr. Donald J. Nolan, Assistant Commissioner for Higher Education Academic Review, Room 5A47, Cultural Education Center, Albany, New York 12230. Phone calls can be directed to either Dr. Nolan or Mr. Daniel W. Szetela, Chief of the Bureau of Academic Information and Reports. Dr. Nolan's telephone number is (518) 474-8299; Mr. Szetela's number is (518) 473-1215.

As you review the attached paper, I suggest you give special attention to the item dealing with Program Pursuit and Academic Progress. It describes the new section of the regulations which will have the broadest impact on student aid recipients and institutions. One provision is that institutions adopt and receive the Commissioner's approval for standards of satisfactory academic progress. These standards will be used to determine which students are making satisfactory academic progress (and therefore should receive State student financial assistance) and which students are making progress at a slower rate (and therefore should not receive State student financial assistance). The standards are not intended for general institutional use, but only to determine student eligibility for State awards.



DEC 12 1980

All institutions are required to submit to the Department, by January 1, 1981, their proposed standards of satisfactory academic progress. Department action on proposed standards will be taken by April 30, 1981. No institution may certify a student for a fall 1981 award unless it has received the Commissioner's approval for its standard of satisfactory academic progress. The attached paper includes guidelines concerning the development of proposed standards. It is important to note both the format which standards must follow and the minimum standards for programs of various lengths.

The new regulations require that all students who receive State awards in the fall of 1981 must pursue a program of study and make satisfactory progress toward the completion of the program's academic requirements. Thus, both new students, and students continuing their studies, must be apprised of the new requirements as soon as possible. Special procedures with respect to satisfactory academic progress of students who are continuing their studies in the fall are described in the attached paper. These procedures will assure that no student is disenfranchised in the fall of 1981 for failure to maintain academic standing as defined by the regulations which take effect September 1, 1981. After September 1, 1981, however, all students must meet requirements for program pursuit and satisfactory academic progress or face suspension of State support.

Student and institutional compliance with the student financial aid regulations will be monitored by field auditors of the State Department of Audit and Control. Failure to adhere to the Regulations could result in the assessment of an audit disallowance.

We look forward to working with you as these important revisions to the regulations on State student financial assistance are implemented.

Dorothy Harrison-Blaney

Attachment

GUIDELINES FOR IMPLEMENTATION OF KEY AMENDMENTS TO PART 145 OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION CONCERNING STATE STUDENT FINANCIAL ASSISTANCE

## INTRODUCTION

The purpose of this paper is to explain and comment upon key amendments to Part 145 of the Regulations of the Commissioner of Education dealing with State Student Financial Assistance. The text of the regulations, approved by the Regents on April 24, 1980, is attached (Attachment A). Each major section of the regulations is explained in a separate part of this paper.

The change with the broadest impact on student aid recipients and institutions is the addition of a new section 145-2.2 concerning Program Pursuit and Academic Progress. The new regulation requires that institutions develop, and receive the Commissioner's approval for, standards of satisfactory academic progress. The procedures for developing and seeking approval for standards are dealt with in Item #I below:

## I. PROGRAM PURSUIT AND ACADEMIC PROGRESS

### *Statutory Provisions*

Articles 13 and 14 of Education Law state that payments of State student financial assistance shall be suspended for any student who loses good academic standing. The statute also requires the Commissioner of Education to define loss of good academic standing. The new section 145-2.2 addresses the issue by providing that to maintain good academic standing a student receiving a general or academic performance award must: (1) pursue the program of study in which he or she is enrolled, and (2) make satisfactory academic progress toward the completion of his or her program's requirements. The two elements of program pursuit and satisfactory academic progress must be met for each term of study in which a State award is received.

### *Periodic Review*

The regulations require that an institution review student compliance with program pursuit and satisfactory academic progress at the end of the academic year. Institutions are encouraged, however, to review these factors at the end of each term. When administratively feasible, review at the end of each term has the benefit of keeping students better informed of their standing, and therefore of future eligibility for aid. It also will help protect the institution from possible audit disallowance.

Institutions which review compliance with program pursuit and satisfactory academic progress at the end of each academic year must review each term independently. Thus, a student who fails to pursue the program of study in the fall term and does pursue the program of study in the spring term would, at the end of the spring term and at the end of the academic year, be judged to have lost good academic standing for failure to pursue in the fall semester.

The Higher Education Services Corporation will continue to require term by term certification of eligibility for financial aid. This process includes certification that a student is in good academic standing. The Department of Audit and Control has stated that if certification of good academic standing is done without having reviewed program pursuit and academic progress, an audit disallowance may result. Concerning the above example, auditors have stated that if the student leaves school after his spring term, or if he exhausted his eligibility during the spring term, an audit disallowance might be made against the institution for funds paid to the student during the spring term. Such a situation could be avoided by reviewing pursuit and progress at the end of each term.

*Loss and Reinstatement of Student Eligibility*

The penalty for loss of good academic standing, as set forth in statute, is suspension of a student's award. Commissioner's Regulations implement the statutory requirement by providing in Section 145-2.2 as follows:

> *(b) Following a determination that the recipient of an award has lost good academic standing, further payments under the award shall be suspended until the student is restored to good academic standing by either:*
>
> *(1) pursuing the program of study in which he is enrolled and making satisfactory progress toward the completion of his program's academic requirements for a period of one term, or*
>
> *(2) establishing in some other way, to the satisfaction of the commissioner, evidence of his ability to successfully complete an approved program.*

In general, students who lose good academic standing must seek reinstatement in accordance with paragraph (1) above. Paragraph (2) exists to provide a way for students who have lost good academic standing and who either are transferring to another institution, or wish to return to college after an absence of at least a year, to regain good standing. For such students the detailed record of the student's readmission to the institution, or admission to another institution, will be accepted as "evidence of his ability to successfully complete an approved program." The admissions record should show that the institution has given due consideration to the student's prior loss of good academic standing and has determined, in accordance with Section 52.2(d)(2), that the student can benefit from study at the institution and that the institution will provide the "instructional and other support the student needs to complete the program." Institutions which reinstate a student after a period of absence, or accept in transfer a student who has lost good academic standing at another school, must maintain a clear, accurate, and complete admissions record for such students. Failure to maintain a record indicating that the student's special circumstances were considered and that the institution has planned a program of study to remedy academic weaknesses may lead the Department of Audit and Control to assess an audit disallowance against the institution.

*Program Pursuit and Passing Or Failing Grades*

The regulations define program pursuit as receiving a passing or failing grade in a certain percentage of a full-time courseload. The percentage increases from 50 percent of the minimum full-time load in each term of study in the first year for which an award is made, to 75 percent of the minimum full-time load in each term of study in the second year for which an award is made, to 100 percent of the minimum full-time load in each term of study in the third and each succeeding year for which an award is made. Institutions should review their grading practices and bring to the Department's attention any grades which are not clearly passing or failing. Generally the Department will accept as a passing or failing grade, the grades of A through F and any grade which indicates that the student: (1) attended the course for the entire semester, AND (2) completed all necessary assignments. (For example, a grade of R, indicating that a student completed all work but not in an acceptable fashion and therefore has to repeat the course, would be acceptable. An S grade, indicating that a student has successfully completed a developmental non-credit course would also be acceptable.) Grades of Incomplete would only be acceptable if automatically changed to a standard passing or failing grade before the completion of the next term of study. Grades of W (Withdrawal) do not constitute grades which indicate that the student passed, failed, or completed all work in a course and cannot be counted toward meeting the program pursuit requirement.

*Approval of Progress Standards*

Subdivision (d) of Section 145-2.2 defines standards of satisfactory academic progress and requires that institutions use only standards which have been approved by the Commissioner. The standards are not required for general institutional purposes, but must be used to determine student eligibility for State awards. Of course, institutions may use these standards for general purposes if they wish.

Institutions must submit to the Department, no later than January 1, 1981, their proposed standards of satisfactory academic progress for students receiving state awards. No institution may certify a student for a fall 1981 award unless it has received the Commissioner's approval for its standard of satisfactory academic progress.

While institutional calendars and academic terminology will differ, each institution's standard must be represented by an objective measure which, according to the regulations:

> *"shall include, but need not be limited to:*
>
> *(1) the minimum number of credits earned, or courses successfully completed, at each interval, and*
>
> *(2) the minimum cumulative grade point average or similar measure at each interval."*

Institutional standards of satisfactory academic progress should take the form of a chart which displays for each payment sought how many credits a student must have accumulated -- and with what grade point average -- if he is to be eligible for a State award. (Note: Incomplete grades should not be included in computing the number of credits accumulated or the grade point average.)

*Attachment B to this memorandum is a sample of a standard of satisfactory progress for students in a four-year baccalaureate program at an institution with a semester calendar. Please refer to this chart throughout the discussion of "Program Pursuit and Academic Progress." Please note: Attachment B is only a sample.*

*Failure to Make Progress*

To be eligible for his first payment, a student is not expected to have earned any college credits. In the sample (Attachment B) a student who has received three semester payments of TAP must have accumulated 21 credits with a 1.30 GPA in order to be eligible for a fourth semester payment. If the student had accrued only 15 credits he would not be making satisfactory progress and therefore would lose Good Academic Standing (see Section 145-2.2(a)). Normally, the student's State award would be suspended until he had accrued (through part-time study, proficiency exams, or some other means) six additional credits. Once he had accrued a total of 21 credits he would become eligible for a fourth semester payment. Alternatively, if an institution determines, in accordance with established procedures, that a one-time waiver* of normal program pursuit and academic progress requirements would be in the best interests of the student, such waiver may be granted in accordance with subdivision (e) of Section 145-2.2 of the Regulations thereby enabling the student to become eligible for a fourth payment without delay. When the waiver has been granted the student is expected to use the term to advance to the level he could not achieve without the waiver. Thus, in this example the student would need to earn six credits during the term for which the waiver was granted, thereby reaching the threshold of 21 credits. This, of course, will result in the student's position on the schedule, and the actual number of payments received not lining up. After waiver of satisfactory academic progress has been received, the headings on the top row of a student's schedule of progress might best be read as "next payment" rather than fourth, fifth, etc. The total number of semesters of eligibility for a State award, however, is not changed by the waiver. Use of the waiver because of failure to maintain program pursuit will not change the alignment of a student's position on the schedule and the actual number of payments received.

*Transfer Student Eligibility*

Transfer students (and students readmitted after a period of absence from college) must be dealt with using slightly different procedures than for students in continuing status. For example, when a student transfers from a TAP-eligible program at one institution to another TAP-eligible program at a second institution, the receiving institution must evaluate that student's academic and, to the extent possible, financial aid record. The receiving institution will make a determination that the transfer student is able to benefit from, and is admissable to, the new program of study. In the course of that evaluation the institution assigns a certain number of credits it is willing to accept in transfer from the student's previous study. On the basis of that assessment the student is placed at the appropriate point on the institution's schedule of academic progress. The point at which the transfer student is placed, and the actual number of payments he has received, may not line up. For the transfer student, as for the student who has received a waiver, the headings in the top row of the schedule of progress might best be read as "next payment" instead of first, second, etc.

---

* For a full discussion of the waiver, see Page Six.

For example, if an institution using the sample schedule (Attachment B) accepts 33 credits from transfer student Mr. Jones, it would place him at the point on the schedule entitled "fifth payment." The school would do this regardless of the actual number of payments Mr. Jones had received. He would be certified for an initial TAP payment at the school. To receive a subsequent TAP payment at that institution Mr. Jones must make progress in accordance with the institution's standards. To receive his "next payment," Mr. Jones would need a total of 45 credits.

In another example, Ms. Brown transfers from a diploma school of nursing where she completed one year of study with TAP support. She is accepted without advanced standing in a liberal arts college where she is majoring in English. Ms. Brown, having received no credit, would be placed on the first payment level of the schedule of progress.

Both Mr. Jones and Ms. Brown have a financial aid record as well as an academic record. Mr. Jones received five TAP payments at his first college before transferring to the second institution. Because of his poor academic performance he would not be eligible for a sixth TAP payment on his first college's schedule of progress. By transferring he has had his eligibility restored for at least one semester. Even though he will be placed at the point entitled "fifth TAP payment" he will, in fact, be receiving his sixth TAP payment as far as the State of New York is concerned. In order to receive a subsequent payment he must make progress as defined by the institution he is currently attending. In any event Mr. Jones is limited to four years of undergraduate TAP and the records of the Higher Education Services Corporation will track Mr. Jones' State financial aid record through his academic career.

Ms. Brown received two TAP payments while attending the hospital school of nursing. Her transfer was, in effect, a change in her career goals. This has put her on the college's schedule at the first point; i.e., as an entering freshman receiving what the college would call her "first TAP payment." In fact, she will be receiving her third TAP payment from the State. As was the case with Mr. Jones, she is limited to a total of four years of undergraduate TAP payments.

In assessing the financial aid record of transfer students, the receiving institution should determine whether or not the student has used his or her "waiver." The Higher Education Services Corporation may collect information from each institution regarding use of the waiver. All institutions must maintain a record of waiver use. Receiving institutions should require appropriate documentation for transfer students with respect to use of the waiver. As an additional safeguard, a receiving institution may also require transfer students to verify their status with respect to the use of the waiver during previous years of study at other institutions. Since the waiver provision will not go into effect until the fall of 1981 the assessment of its prior use will not need to be verified before the spring semester of 1982 at the earliest.

*Minimum Standards*

In developing standards of satisfactory academic progress, institutions should be guided by the knowledge that the Commissioner will not approve a standard which allows a student more than 10 semesters (or the equivalent in five academic years) to accumulate 120 credits, with a grade point average of 2.0, in a typical baccalaureate degree program. Similarly, the Commissioner will not approve a

standard which allows a student more than 6 semesters (or the equivalent in three academic years) to accumulate 60 credits, with a grade point average of 2.0, in a typical Associate degree program. Note, however, that only those opportunity/developmental students who are in State-supported, five-year programs (i.e., SEEK, EOP, and HEOP) are eligible for five years of undergraduate Tuition Assistance Program support. Students in other baccalaureate programs are usually not eligible for the fifth year of undergraduate TAP support. (For more information on eligibility for a fifth year of undergraduate support see Section V of this paper.)

*Waiver Procedures*

When institutions are developing their standards of satisfactory academic progress, they should note that the Commissioner has provided the only way in which standards may be lowered, waived, or reconsidered. A standard of satisfactory academic progress should be absolute except when waived in accordance with subdivision (e) of Section 145-2.2 as follows:

> *(e) The provisions of subdivisions (c) and (d) of this section may be waived once for an undergraduate student and once for a graduate student if an institution certifies, and maintains documentation, that such waiver is in the best interest of the student. Prior approval by the commissioner of the criteria and procedures used by an institution to consider and grant waivers shall not be required. The commissioner may review such criteria and procedures in use, and require an institution to revise those found to be not acceptable.*

This provision allows a student no more than one waiver as an undergraduate, and one as a graduate student. When granting waivers pursuant to this provision, institutions should exercise careful judgment. Each institution should establish clear, published criteria concerning the granting of waivers. For each waiver granted, a clear, accurate, and complete record should be maintained. If an institution grants waivers without regard to its published policy, if it does not have such a policy, if it does not maintain a case record, or if it grants a waiver to a student who has already received one waiver at his current level, the Department of Audit and Control may assess audit disallowances against the institution.

Appropriate institutional officials must discuss with the student the granting of a waiver before any waiver is actually granted. Each student is only allowed one waiver as an undergraduate, and one waiver as a graduate student. As described on page four, use of the waiver may have the effect of extending a student's schedule of progress by one term. Use of the waiver is an important option to the student, and should only occur in the student's best interest and with the student's concurrence. For example, a student who is one credit short of the required number of credits for her next payment may not want to use the waiver, but instead may take a summer course at her own cost to regain eligibility.

*Continuing Students*

The requirement that students must pursue a program of study and make satisfactory progress toward the completion of the program's academic requirements will apply to all students receiving state awards in the fall of 1981. Thus, both new students, and students continuing their studies, must be apprised of the new requirements as soon as possible.

Special procedures must be followed with respect to the academic progress of students who are continuing their studies in the fall of 1981. These students should not be disenfranchised based solely on their academic progress prior to the establishment of the new regulations. On the other hand these students are not exempted from requirements that their future progress meet minimum standards. Institutions should treat all students continuing to receive awards in the fall of 1981 in the same way as they would a "transfer student" as described on page four.

For example, take the case of a continuing student who has 35 credits in September 1981, and is seeking his sixth TAP award. Using the sample schedule (Attachment B) he should not be denied TAP on the basis that he does not have the 45 credits needed for a sixth payment. The requirement for 45 credits was unknown to him during his preceding semesters and he cannot be penalized for failing to meet it. Instead he should be placed on the schedule at the nearest point below the number of credits he has actually accrued. As with the transfer student, and the student who receives a waiver, the rows at the top of this student's schedule of progress might best be read as "next payment" since the actual number of payments received and the student's place on the schedule do not line up. To be eligible for his "next award" in the spring of 1981, the student in this example would have to earn at least 10 credits (for a total of 45) in the fall of 1981. This student would also need to have a cumulative grade point average of at least 1.50 to be eligible for a spring 1982 award.

Program pursuit requirements also apply to students continuing their study in the fall of 1981. Students should not be denied State awards because they failed to meet pursuit requirements in the spring or summer of 1981. However, all students receiving State awards in the fall of 1981 and thereafter must meet pursuit requirements as set forth in CR 145-2.2(c). For example, a student receiving TAP for his third year in 1981-82 must, during each term, receive passing or failing grades in 100% of the minimum full time course load.

## II. DEFINITION OF FULL-TIME STUDY

The revised Regulations defining full-time study provide that in programs not organized on a semester or quarter basis, a minimum of 24 semester hours of credit over a term consisting of the entire academic year may constitute full-time study for purposes of State awards. Institutions or programs operating on an academic calendar year basis must require students to file a plan, prior to the beginning of the year, which shows that a minimum of 24 or more semester hours will be attempted. Students who file such a plan but attempt fewer than 24 semester hours will receive no tuition assistance support for the year. The Higher Education Services Corporation will be providing additional information concerning use of this provision.

The 24-semester hour approach (now referred to as "uniterm" by the Higher Education Services Corporation) has both advantages and disadvantages. Under "uniterm" all students attending a program for an entire academic year will have to be certified on the basis of a minimum of 24 semester hours. Students will not be able to choose between the 24-semester hour for a year or 12-semester hour for a term measures. Thus, a student who files a plan for 24 semester hours and then takes 12 in the first term and 11 in all remaining terms, will not receive a State award.

The 24-semester hour measure serves to recognize those special programs which run on an entire academic year basis whose component terms are pursued separately only under extraordinary circumstances. To use the 24-semester hour measure in any other way would have the effect of allowing students to receive TAP by accumulating periods of part-time study. In a uniterm program or school, only those students who declare in advance that they will not be attending for the entire academic year (such as students needing 14 semester hours to graduate) can be measured on some basis other than a minimum of 24 semester hours. Students who declare that they will not be attending for the entire year, and new students beginning study in the middle of the year, will have to be judged full-time on a term-by-term basis. The measure of full time for such students will have to be established by the Department following a review of the institution's calendar. Questions pertaining to uniterm calendars should be directed to Dr. Donald J. Nolan, Assistant Commissioner for Higher Education Academic Review, Room 5A47 Cultural Education Center, Empire State Plaza, Albany, New York 12230.

As institutions have adopted new and different academic calendars, the definition of full-time study has become more difficult to interpret. In order to clarify the issue of full-time study, and to protect both institutions and students from possible future audit disallowance, the Education Department and the Higher Education Services Corporation will be conducting a review to determine what measures of full-time study are now in use for certification of State awards. Institutions will be asked to describe how they determine, in accordance with regulations, whether a student is full time. Questionable practices will be reviewed with the institution and advice given concerning what would constitute an acceptable measure of full-time study. The results of this survey will be available to State auditors when conducting their reviews of the Tuition Assistance Program so that they may more easily determine whether students who received State support were in fact eligible. Institutions should take careful precautions to assure that the measure they use for determining full-time study is acceptable to the Commissioner of Education and the President of the Higher Education Services Corporation. Failure to do so could result in the Department of Audit and Control assessing an audit disallowance against the institution.

Section 145-2.1 of the Regulations is also amended by the addition of subdivision (f) which provides:

> *"(f) Upon presentation of satisfactory medical evidence to substantiate that serious illness or mental or physical disability precludes attendance on a full-time basis, work performed during two or more terms of study may be approved as equivalent to a regular term for scholarship, tuition assistance program, or other benefits."*

This provision is not new to the Commissioner's Regulations, but is a restatement of a provision in the former Section 145-2.2 (which was repealed to make room for the new regulation concerning program pursuit and academic progress). The regulation has been amended to make clear what was previously implied: i.e., that individuals with mental or physical disabilities are also allowed to combine the work of two or more terms of study for purposes of State financial assistance. In availing themselves of the provisions of this regulation, institutions should keep clear, accurate, and complete records, including a physician's statement, which prove that a student's condition absolutely precluded full-time attendance within the usual term structure. The Higher Education Services Corporation will be issuing appropriate instructions on certification procedures concerning this provision in the HESC Manual of Policy and Procedures. Abuse of

the provision, or failure to maintain clear medical evidence, could result in the Department of Audit and Control assessing an audit disallowance against the institution.

## III. DUPLICATIVE AWARDS

With respect to academic performance awards, Education Law Section 664-1 provides: "nor shall any person receive benefits from an academic performance award under this chapter concurrently with a scholarship, grant, or educational assistance under Federal Law that in the judgment of the commissioner would duplicate the purpose of such academic performance award . . ." Additionally, Section 667-3(c) of Education Law states "the commissioner shall list in his regulations all state, federal, and other educational aid available to New York State students and identify those that are duplicative of the purposes of the Tuition Assistance Program." The amendments to the Regulations approved by the Regents in April seek to clarify which forms of financial aid are duplicative of State academic performance awards and State tuition assistance program awards.

Section 145-1.11 of the Regulations stipulates awards which are duplicative of State academic performance awards (such as the Regents College Scholarship). Section 145-2.13 of the Regulations lists those forms of financial assistance which are duplicative of Tuition Assistance Program awards. When preparing student financial aid packages, institutions should be mindful of the provisions of these two sections of the Regulations and not provide a student with financial assistance which would be considered duplicative.

When conducting reviews of State student financial assistance programs, the Department of Audit and Control will be checking for compliance with Sections 145-1.11 and 145-2.13. If an audit reveals that an institution has certified for State awards students who also received forms of support considered to be duplicative pursuant to Section 145-1.11 and 145-2.13, an audit disallowance may be assessed. Any questions concerning duplicative awards can be directed to the Department in writing or by telephone. Written inquiries should be addressed to Dr. Donald J. Nolan, Assistant Commissioner for Higher Education Academic Review, Room 5A47 Cultural Education Center, Empire State Plaza, Albany, New York 12230. Telephone inquiries should be made to Mr. Walter Hannahs, Associate in Higher Education at 518-474-3701.

## IV. THEOLOGICAL STUDY

Education Law 661-6 provides that no State award "shall be used to obtain professional instruction in theology." Section 145-2.6 of the Regulations serves to implement this statutory provision. This section of the Regulations has long provided that general and academic performance awards shall not be provided for study in programs leading to certain specified degrees. The amendments to the Regulations approved by the Regents in April include a technical revision to Section 145-2.6. The regulation has been amended to delete from the list of noneligible degrees the following: Bachelor of Hebrew Literature, Master of Hebrew Literature, and Doctor of Hebrew Literature.

Additionally, Section 145-2.6 was amended to make clear that other programs, not leading to one of the degrees listed, may be declared ineligible for State awards if the Commissioner determines that they " . . . provide professional training in theology or religious education."

As always, institutions should be certain that students in any program leading to one of the degrees listed in Section 145-2.6 are not certified for a State award. Additionally, the Commissioner may designate specific programs leading to other degrees which are also ineligible for State support. If an institution has any question as to whether a student is in a program which, by virtue of its theological or religious orientation, is not eligible for TAP, it should contact the Education Department for guidance. Questions pertaining to eligibility status under Section 145-2.6 should be addressed to Dr. Donald J. Nolan, Assistant Commissioner for Higher Education Academic Review, Room 5A47 Cultural Education Center, Empire State Plaza, Albany, New York 12230.

When conducting reviews of State student financial assistance programs, the Department of Audit and Control will be checking for compliance with Section 145-2.6. If an audit reveals that an institution has certified for State awards students attending programs which are not eligible for support, an audit disallowance may be assessed.

## V. FIVE-YEAR PROGRAMS

Education Law 667-2 provides that no undergraduate students shall be eligible for more than four academic years of State awards, or " . . . five academic years if the program of study normally requires five years . . ." Section 145-2.7 of the Regulations serves to implement this statutory provision. The amendments to the Regulations approved by the Regents in April clarify that to be eligible for a fifth year of State support an undergraduate program shall be " . . . an organized program registered and approved by the State Education Department as a program at the undergraduate level normally requiring more than four years to complete."

Only programs specifically registered and approved by the Department as "five-year programs" will be eligible for a fifth year of undergraduate TAP. The Department will not register as five-year programs, the various combinations of study which result in some students completing in five years a program that may be completed by other students in four. This point can best be illustrated by two examples.

An example of a program which would be considered for registration and approval as a five-year program would be one in which all students entering the program and achieving the baccalaureate degree are required to pursue a curriculum which can be completed only in five years of full-time study. Such five-year baccalaureate programs are relatively uncommon, since Section 52.2(c)7 of the Regulations states "baccalaureate degree programs shall normally be capable of completion in four academic years of full-time study . . ." An example of a five-year approved baccalaureate program would be the several five-year engineering programs currently being offered within the State. In these programs, all students earning the baccalaureate degree take five years to complete their program.

An example of a program which would not be approved as a five-year program would be the combination of two years of work at an associate degree-granting institution and three years of work at a baccalaureate degree-granting institution all leading to the baccalaureate degree. This combination of course-work may represent a fine articulation arrangement between two-year and four-year schools. However, it is not the situation envisaged by statute where ". . . the

program of study normally requires five years . . ." because other students could achieve the same baccalaureate degree either by beginning their program at the four-year institution and completing it in four years or by taking an appropriate sequence of courses at the two-year college so as to be able to complete the baccalaureate program in two additional years at the four-year institution.

Pursuant to Education Law 667-2 the Commissioner has determined that the following organized State-supported remedial education programs are approved as five-year programs for purposes of State awards.

- Higher Education Opportunity Program

- Educational Opportunity Program at State University institutions

- SEEK Program at City University Senior Colleges

It is important that institutions and students understand that a fifth year of undergraduate tuition assistance will reduce a student's eligibility for graduate support by one academic year. Education Law provides: " . . . no student shall be eligible for a total of more than the equivalent of eight years of combined undergraduate and graduate study." Thus, students who are eligible for a fifth year of undergraduate support must, in effect, borrow against their graduate eligibility.

Only students attending those programs registered and approved by the Department as five-year programs will be eligible for a fifth year of undergraduate TAP. If an institution has any question as to whether a program is registered and approved by the Department as an undergraduate program normally requiring more than four years to complete, it should contact the Education Department for guidance. Questions pertaining to five year eligibility for undergraduate TAP should be addressed to Dr. Donald J. Nolan, Assistant Commissioner for Higher Education Academic Review, Room 5A47 Cultural Education Center, Empire State Plaza, Albany, New York 12230.

ATTACHMENT A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Sections 207, 602 and 665 of the Education Law

Sections 145-2.2 and 145-2.12 of the Regulations of the Commissioner of Education are repealed, and a new Section 145-2.2 of the Regulations of the Commissioner of Education is added, effective September 1, 1981, to read as follows:

*145-2.2 Program pursuit and academic progress.*

*(a) For the purposes of Articles 13 and 14 of the Education Law, loss of good academic standing shall be determined at the end of each academic year, and shall mean that during any term of the academic year a student has either:*

*(1) failed to pursue the program of study in which he is enrolled, as determined pursuant to subdivision (c) of this section, or*

*(2) failed to make satisfactory progress toward the completion of his program's academic requirements, as determined by subdivision (d) of this section*

*(b) Following a determination that the recipient of an award has lost good academic standing, further payments under the award shall be suspended until the student is restored to good academic standing by either:*

*(1) pursuing the program of study in which he is enrolled and making satisfactory progress toward the completion of his program's academic requirements for a period of one term, or*

*(2) establishing in some other way, to the satisfaction of the commissioner, evidence of his ability to successfully complete an approved program.*

*(c) Except as provided for in subdivision (e) of this section, a student shall be deemed to be pursuing the approved program of study in which he is enrolled if:*

*(1) During each term of study in the first year for which an award is being received, he receives a passing or failing grade in at least one half of the minimum amount of study required to constitute full-time study pursuant to section 145-2.1 of this Subpart;*

*(2) During each term of study in the second year for which an award is being received, he receives a passing or failing grade in at least three fourths of the minimum amount of study required to constitute full-time study pursuant to section 145-2.1 of this Subpart;*

*(3) During each subsequent term of study for which an award is being received, he receives a passing or failing grade in no less than the minimum amount of study required to constitute full-time study pursuant to section 145-2.1 of this Subpart.*

*(d) Except as provided for in subdivision (e) of this section, to determine whether a student receiving an award is making satisfactory progress toward the successful completion of his program's academic requirements, each institution shall establish and apply a standard of satisfactory academic progress which includes required levels of achievement to be measured at stated intervals. Criteria for achievement shall include, but need not be limited to:*

*(1) the minimum number of credits earned, or courses successfully completed, at each interval, and*

*(2) the mimimum cumulative grade point average or similar measure at each interval*

*Each institution shall obtain the approval of the commissioner prior to the implementation of its standard of satisfactory academic progress and prior to any changes in such standard.*

*(e) The provisions of subdivisions (c) and (d) of this section may be waived once for an undergraduate student and once for a graduate student if an institution certifies, and maintains documentation, that such waiver is in the best interests of the student. Prior approval by the commissioner of the criteria and procedures used by an institution to consider and grant waivers shall not be required. The commissioner may review such criteria and procedures in use, and require an institution to revise those found to be not acceptable.*

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Sections 207 and 602 of the Education Law

Section 145-2.1 of the Regulations of the Commissioner of Education is amended, effective September 2, 1980, as follows:

(a) Full-time study, where required by law, shall mean enrollment for at least 12 semester hours for a semester of not less than 15 weeks, inclusive of examination periods, or eight semester hours a quarter, or in programs not organized on a semester or quarter basis, 24 semester hours for an academic year of not more than 12 months, or the equivalent, as [defined] determined by the commissioner. A student shall be considered full-time for a program organized on an academic year basis only if the student has filed a plan of study with the institution for the entire academic year. Part-time study shall mean enrollment for at least six, but less than 12, semester hours or the equivalent for a semester of not less than 15 weeks, inclusive of examination periods, or at least four, but less than eight, semester hours a quarter [,but less than 12 semester hours]. The definition of the term semester hour shall be that provided in subdivision (o) of Section 50.1 of this Chapter. Independent or individualized study, practice teaching, graduate assistantships, thesis or dissertation research, preparation for language or qualifying examinations, and non-credit or remedial courses, may all be considered as contributing toward full-time or part-time study on an hour-for-hour equivalent basis, if the student effort required is the same as would be required for a credit-bearing course in conformity with subdivision (o) of Section 50.1 of this Chapter and if required or approved by the school in a plan of study filed by the student with the school, as an integral part of the student's program. Credit for independent or individualized study shall be computed in accordance with full-time or part-time requirements. Effective for academic terms beginning after January 1, 1978, a student carrying a full-time program that includes non-credit remedial

courses shall carry at least six semester hours a semester, except that in his first semester of study such a student need carry only three semester hours. A combination of such credit and remedial work shall equal the minimum student effort requirement for full-time study in non-remedial programs. However, courses taken solely to meet teacher certification, licensing, or other external requirements, and not recommended or required by the school as an integral part of the student's program, shall not contribute to full-time or part-time study.

(b) . . . .

(c) . . . .

(d) Full-time or part-time status, respectively, must be established independently for each separate semester or term of attendance except where the measure of full-time is 24 semester hours for an academic year of not more than 12 months as provided for in subdivision (a) of this section.

(e) . . . .

(f) Upon presentation of satisfactory medical evidence to substantiate that serious illness or mental or physical disability precludes attendance on a full-time basis, work performed during two or more terms of study may be approved as equivalent to a regular term for scholarship, tuition assistance program, or other benefits.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Section 207 of the Education Law

Section 145-1.11 of the Regulations of the Commissioner of Education is repealed, and a new Section 145-1.11 of the Regulations of the Commissioner of Education is added, effective September 2, 1980, to read as follows:

*145-1.11 Duplicative awards. An academic performance award may not be held concurrently with such other State, Federal, or other educational aid as is determined by the commissioner to duplicate the purposes of such award. An academic performance award relinquished on this basis shall not subsequently be reinstated.*

*(a) An educational grant or scholarship, by the armed forces of the United States or a federal agency, which provides tuition assistance duplicates the purpose of an academic performance award, except as provided in subdivision (b) of this section.*

*(b) The following shall not be construed to duplicate the purposes of academic performance awards and may be held concurrently with such awards:*

*(1) United States War Orphan's Educational Benefits;*

*(2) Benefits under the Veteran's Readjustment Act of 1966 (GI Bill);*

*(3) Basic and supplemental educational opportunity grants;*

*(4) Special financial assistance for disadvantaged students.*

*(c) No person shall receive benefits concurrently under the Lehman fellowship and under any Federal or national fellowship. However, a student may receive Lehman fellowship benefits concurrently with a supplementary fellowship, grant, or assistance awarded by the college, even if funded under Federal contract, provided that the combined total of the benefits received by the student does not exceed $5,000 a year plus tuition and fees.*

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Sections 207 and 602 of the Education Law

Section 145-2.13 of the Regulations of the Commissioner of Education is repealed, and a new Section 145-2.13 of the Regulations of the Commissioner of Education is added, effective September 2, 1980, to read as follows:

*145-2.13 Limitation of amount of tuition assistance program awards.*

*(a) Except as provided in subdivision (b) of this section, the following educational aid shall be considered to duplicate the purposes of tuition assistance program awards and shall therefore serve to limit the amount of such awards pursuant to Education Law section 667(3)(c) and (4)(2)(b):*

*(1) Federal assistance: An educational grant or scholarship by the armed forces of the United States or by a Federal agency which provides tuition assistance.*

*(2) State assistance: A tuition grant awarded by a New York State department or agency.*

*(3) Institutional assistance: Tuition remission or a tuition grant or waiver awarded by the institution on the basis of:*

*(i) The student's status as a faculty or staff member, or dependent;*

*(ii) Service as a graduate assistant, or other services related to the student's program;*

*(iii) The student's enrollment in a particular program of study.*

*(4) Other educational grants or scholarships to the extent that the combination of such awards with other benefits would exceed the student's full cost of tuition and maintenance.*

*(b) The following aid shall not be considered to duplicate the purposes of tuition assistance program awards and shall therefore not serve to limit the amount of such awards:*

*(l) Federal assistance: The following federal assistance shall not be considered duplicative:*

*(i) United States War Orphan's Educational Benefits;*

*(ii) Benefits of the Veterans' Readjustment Act of 1966 (G.I. Bill);*

*(iii) Basic and supplemental educational opportunity grants. However, if the student has a maintenance cost less than that allowed under the basic educational opportunity grant program, the amount of the basic educational opportunity grant in excess of maintenance costs shall be considered duplicative;*

*(iv) Special assistance for disadvantaged students.*

*(2) State assistance: Tuition grants from the following state agencies shall not be considered duplicative:*

*(i) The Office of Vocational Rehabilitation of the State Education Department;*

*(ii) The Commission of the Blind and Visually Handicapped of the Department of Social Services.*

*(3) Institutional assistance: The following awards shall not be considered duplicative:*

*(i) Academic, athletic or other prizes to the extent that the combination of such awards with tuition assistance program awards do not exceed the student's cost of tuition and maintenance. Maintenance shall consist of charges for room, board, transportation, textbooks and instructional material, and personal or other expenses as normally calculated by the institution for determining student expenses in connection with student aid programs;*

*(ii) Nonservice grants by the institution, or tuition credit in lieu of grants, designed to supplement the State award and based on the student's total financial need;*

*(iii) Salary, or tuition credit in lieu of salary, representing payment solely for services performed and not as a tuition grant or waiver associated with the student's program of study.*

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Sections 207 and 602 of the Education Law

Section 145-2.6 of the Regulations of the Commissioner of Education is amended, effective September 2, 1980 as follows:

145-2.6 Theological study. General and academic performance awards shall not be provided for study in programs that, in the determination of the commissioner, provide professional training in theology or religious education, or in programs leading to the following theological degrees [, or to other degrees which are established by the commissioner to be essentially theological in nature]:

Bachelor of Divinity (B.D.)

[Bachelor of Hebrew Literature (B.H.L.)]

Bachelor of Religious Education (B.R.E.)

Bachelor of Sacred Theology (S.T.B.)

Bachelor of Theology (B.Th.)

Master of Divinity (M.Div.)

[Master of Hebrew Literature (M.H.L.)]

Master of Religious Education (M.R.E.)

Master of Arts in [Religious Education (M.A. in R.E.)] religious education (M.A. in r.e.)

Master of Sacred Theology (S.T.M.)

Master of Theology (M.Th.)

Master of Arts in [Theology (M.A. in Th.)] theology (M.A. in th.)

[Doctor of Hebrew Literature (D.H.L.)]

Doctor of Ministry (D. Min.)

Doctor of Religious Education (D.R.E.)

Doctor of Theology (D.Th.)

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Sections 207 and 602 of the Education Law

Subdivision (a) of Section 145-2.7 of the Regulations of the Commissioner of Education is amended, effective September 2, 1980 as follows:

(a) For purposes of student aid, a five-year program shall denote an organized program registered and approved by the State Education Department as a program at the undergraduate level normally requiring more than four years to complete. [Such five-year programs shall include the five-year programs in pharmacy, nursing, and engineering; the combination of a three-year liberal arts program followed by two years of engineering study leading to one or more baccalaureate degrees; and comparable programs as determined by the commissioner. However, the following shall not be construed as organized five-year programs within the intent of this section: the combination of a three-year hospital nursing program followed by two or more years of study leading to a baccalaureate degree; a fifth year teacher training or nursing program for liberal arts graduates leading to a second baccalaureate; or a five-year cooperative program in which the total academic work is equivalent to only four years.]

- SAMPLE -

(ATTACHMENT B)

- SAMPLE -

- SAMPLE -

# * STANDARD OF SATISFACTORY ACADEMIC PROGRESS FOR PURPOSE OF DETERMINING ELIGIBILITY FOR STATE STUDENT AID

Calendar: Semester

Program: Baccaluareate Degree

NOTE: *This sample standard of satisfactory progress is referred to throughout the preceding guidelines. Generally it would be used to determine continuing eligibility for State support of students who have no "special circumstances." The progress of students with special circumstances, such as those who have transferred from another institution, have used their waiver, or have received an award prior to September 1981, must be monitored on an adjusted schedule. See pages 4, 5, and 7 of the text of the report for examples.

| BEFORE BEING CERTIFIED FOR THIS PAYMENT → | First | Second | Third | Fourth | Fifth | Sixth | Seventh | Eighth | ** Ninth | ** Tenth |
|---|---|---|---|---|---|---|---|---|---|---|
| A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS → | 0 | 3 | 9 | 21 | 33 | 45 | 60 | 75 | 90 | 105 |
| WITH AT LEAST THIS GRADE POINT AVERAGE → | 0 | 1.00 | 1.20 | 1.30 | 1.40 | 1.50 | 1.60 | 1.70 | 1.80 | 1.90 |

** NOTE: Only students in five-year programs, approved pursuant to Section 145-2.7 of the Regulations, are eligible for more than eight semesters of undergraduate awards.



Institution: _____ Contact Person: _____ Phone: _____